

# **EXHIBIT E**

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**NATALIE REESER,**

Plaintiff,

v

Case No. 2:14-cv-11916-GCS-MJH

Hon. George Caram Steeh

Magistrate Stephanie Dawkins Davis

**HENRY FORD HEALTH SYSTEM  
d/b/a HENRY FORD HOSPITAL,**

Defendant.

---

**MILLER COHEN, P.L.C.**

Keith D. Flynn (P74192)

Adam C. Graham (P79361)

*Attorneys for Plaintiff*

600 W. Lafayette Blvd., 4<sup>th</sup> Floor

Detroit, MI 48226-0840

(313) 964-4454

---

**VARNUM LLP**

Terrence J. Miglio (P30541)

Barbara E. Buchanan (P55084)

*Attorneys for Defendant*

160 W. Fort, 5th Floor

Detroit, MI 48226

(313) 481-7300

---

**AFFIDAVIT OF TERRENCE J. MIGLIO, ESQ.**

Terrence J. Miglio, Esq., first duly sworn, deposes and states as follows:

1. I am an attorney, licensed to practice in the states of Michigan and Ohio. I graduated from law school in 1979. I am a partner at the law firm of Varnum LLP.
2. I am one of the attorneys representing Defendant Henry Ford Health System ("HFHS") in the present lawsuit.
3. I am responsible for approving all time and reviewing all bills submitted to HFHS in this matter.

4. I also performed legal work relative to Defendant's Motion to Compel Inspection of Original Documents, Forensic Examination of Plaintiff's Cellular Phone and For Reasonable Expenses Pursuant to Rule 37. My hourly rate for the work I performed relative to this Motion was \$300.

5. Barbara E. Buchanan is currently a partner at Varnum LLP who performed legal work relative to Defendant's Motion to Compel Inspection of Original Documents, Forensic Examination of Plaintiff's Cellular Phone and For Reasonable Expenses Pursuant to Rule 37 and Defendant's Motion for Post-Judgment Discovery Sanctions. Ms. Buchanan graduated from law school in 1993. Her hourly rate for work on Defendant's Motion to Compel Inspection of Original Documents, Forensic Examination of Plaintiff's Cellular Phone and For Reasonable Expenses Pursuant to Rule 37 was \$265. Her hourly rate for work on Defendant's Motion for Post-Judgment Discovery Sanctions was \$285.

6. Bradley Defoe is currently a partner at Varnum LLP, and is a member of the Litigation group. He was a partner at the time he performed legal services relative to Defendant's Motion to Compel Inspection of Original Documents, Forensic Examination of Plaintiff's Cellular Phone and For Reasonable Expenses Pursuant to Rule 37. Mr. Dafoe graduated from law school in 2006. His hourly rate for the work he performed relative to this Motion was \$225.

7. Rebecca Decoster is a former Counsel attorney at Varnum LLP in the Litigation group who performed legal work relative to Defendant's Motion to Compel Inspection of Original Documents, Forensic Examination of Plaintiff's Cellular Phone and For Reasonable Expenses Pursuant to Rule 37. Ms. Decoster graduated from law school in 2000. Her hourly rate for the work she performed relative to this Motion was \$225.

8. Bethany Sweeny is currently a Counsel attorney at Varnum LLP. Ms. Sweeny graduated from law school in 2001, and has practiced exclusively in the area of employment litigation. Ms. Sweeny performed legal services relative to (1) Defendant's Emergency Motion to Strike Plaintiff's Claim for Mental and Emotional Distress Damages, (2) Defendant's attempts to secure Plaintiff's medical and psychotherapy records for Plaintiff's inpatient psychological treatment during trial, and (3) Defendant's Motion for Post-Judgment Discovery Sanctions. Her hourly rate for this work was \$250.

9. The total costs associated with HFHS' Motion to Compel Inspection of Original Documents, Forensic Examination of Plaintiff's Cellular Phone and For Reasonable Expenses Pursuant to Rule 37 (ECF Dkt. #34) as well as costs and fees incurred in having the forensic expert identify documents from Plaintiff's cell phone that were not produced are \$14,908.75. Details regarding these costs are

contained in Exhibit 15 Re: Forensic Exam and Spectrum vendor invoice, attached to Defendant's Motion For Post Judgment Discovery Sanctions.

10. The total costs associated with Defendant's Emergency Motion to Strike Plaintiff's Claim for Mental and Emotional Distress Damages (ECF Dkt. #84) are \$1,650.00. Details regarding these costs are contained in Exhibit 15 Re: Emergency Motion to Strike, attached to Defendant's Motion For Post Judgment Discovery Sanctions.

11. The total costs associated with attempting to secure Plaintiff's medical and psychotherapy records for Plaintiff's inpatient psychological treatment during trial are \$1,060.00. Details regarding these costs are contained in Exhibit 15 Re: Medical Records, attached to Defendant's Motion For Post Judgment Discovery Sanctions.

12. The total costs associated with Defendant's Motion for Post-Judgment Discovery Sanctions are \$6,765.00. Details regarding these costs are contained in Exhibit 15 Re: Motion for Sanctions, attached to Defendant's Motion For Post Judgment Discovery Sanctions.

13. I make this Affidavit based upon my personal knowledge and, if called as a witness, I am competent to testify to the truth of the matters asserted herein.

7/18/16  
Date

Terrence J. Miglio  
Terrence J. Miglio, Esq.

Subscribed and sworn to before me  
this 18th day of July, 2016.

Constance A. Webb  
Constance A. Webb, Notary Public  
Oakland County, MI  
My Commission Expires: 7/06/2017

## Ex. 15\_Re: Forensic Exam

Date	Name	Hours	Amount	Description
4/1/2015	BARBARA E. BUCHANAN	0.7	\$ 185.50	Attention to planning Motion For Forensic Examination of Plaintiff's Cell Phone.
4/2/2015	REBECCA M. DECOSTER	1.5	\$ 337.50	Review correspondence re forensic exam of phone and review basis for same. Begin review of deposition transcript.
4/7/2015	REBECCA M. DECOSTER	1	\$ 225.00	Review deposition transcript.
4/8/2015	REBECCA M. DECOSTER	2.25	\$ 506.25	Read deposition transcript. Research re compelling production of ESI for forensic exam.
4/9/2015	REBECCA M. DECOSTER	3.25	\$ 731.25	Draft motion to compel forensic examination.
4/10/2015	REBECCA M. DECOSTER	6.25	\$ 1,406.25	Draft motion to compel forensic examination and research re same.
4/14/2015	REBECCA M. DECOSTER	0.5	\$ 112.50	Continue drafting Motion and reviewing transcripts.
4/15/2015	REBECCA M. DECOSTER	2.2	\$ 495.00	Draft Motion to Compel Forensic Examination of Plaintiff's phone.
4/20/2015	REBECCA M. DECOSTER	1	\$ 225.00	Revise Motion to Compel Forensic Examination of Plaintiff's Cellular Phone.
4/28/2015	BARBARA E. BUCHANAN	1.1	\$ 291.50	Attention to final revisions to Motion to Compel Forensic Inspection of Plaintiff's electronic devices.
5/22/2015	BRADLEY S. DEFOE	4.4	\$ 990.00	Research and analyze case law re timing of motions to compel. Draft reply brief in support of motion to compel production of plaintiff's original documents and forensic examination of plaintiff's phone. Review and revise same.
5/23/2015	TERRENCE J. MIGLIO	0.5	\$ 145.00	Attention to revisions to Reply Brief in Support of Motion to Compel.
5/26/2015	BARBARA E. BUCHANAN	1.1	\$ 291.50	Attention to final revisions to Reply Brief in Support of Motion to Compel Forensic Examination of Plaintiff's Cell Phone.
5/29/2015	BRADLEY S. DEFOE	1	\$ 225.00	Draft joint statement of unresolved issues re motion to compel production of plaintiff's original documents and forensic examination of plaintiff's phone. Review and revise same.

## Ex. 15\_Re: Forensic Exam

6/8/2015	TERRENCE J. MIGLIO	1.4	\$	420.00	Attendance at Hearing on Defendant's Motion to Compel.
6/9/2015	BARBARA E. BUCHANAN	0.2	\$	57.00	Attention to review of Order regarding Motion to Compel.
6/15/2015	TERRENCE J. MIGLIO	1.2	\$	360.00	Attention to preparation of discovery requests re Plaintiff's Samsung cell phone per Court's Order.
6/30/2015	TERRENCE J. MIGLIO	0.5	\$	150.00	Calls to/from forensic computer expert and correspondence to opposing counsel re forensic examination of Plaintiff's phone.
7/1/2015	TERRENCE J. MIGLIO	0.4	\$	120.00	Call to/from forensic computer expert re search of Plaintiff's phone.
7/6/2015	TERRENCE J. MIGLIO	0.4	\$	120.00	Call to forensic expert re examination of Plaintiff's cell phone and correspondence to opposing counsel re need for additional time to examine phone.
7/7/2015	TERRENCE J. MIGLIO	0.4	\$	120.00	Correspondence and telephone calls from forensic expert and opposing counsel re examination of the phone and adjournment of Trial.
7/8/2015	TERRENCE J. MIGLIO	0.4	\$	120.00	Attention to preparation of Stipulation and Order Extending Time for forensic examination of Plaintiff's cell phone and call to Court re same.
7/13/2015	BARBARA E. BUCHANAN	2.6	\$	741.00	Attention to review of report and materials received from Spectrum Forensics regarding Plaintiff's cell phone.
7/13/2015	TERRENCE J. MIGLIO	0.3	\$	90.00	Call from forensic computer expert.  to Reeser matter.
7/29/2015	BARBARA E. BUCHANAN	1.7	\$	484.50	Attention to review of Plaintiff's Objections to producing items located on her cell phone and comparison with listed items found by forensic expert.

Totals: 36.25 \$ 8,949.75